

Kevin Ohlandt's Legislative Ideas For Special Education

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- 1) All IEP and 504 meetings must be digitally recorded. This data must be protected by the school, and parents shall receive a copy as well. Parents must never be denied their own ability to record an IEP meeting.**
- 2) All school board meetings, for any school that receives public funding, charter, public, vocational and alternative alike, must digitally record their board meetings and have them available to the public within 7 business days.**
- 3) All school districts, charter, public, vocational and alternative alike, must have psychiatric or neurological consultation available for any suspected neurologically-based condition within twenty days of a parent's request for an IEP.**
- 4) All school districts, public, charter, vocational and alternative alike, shall put on their own website, the number of IEPs, 504s, IEP denials, and 504 denials they have had in the past month, to be updated monthly. For public schools, this must be put on the district website, as well as the website for each individual school in the district. They shall also share annual numbers as well, for each school year AND on a 12 month rolling basis. If a student changes from a 504 to an IEP, or if a decline becomes either an IEP or a 504, the school must make a note of that with the monthly numbers.**
- 5) All school districts, public, charter, vocational and alternative alike, shall be completely transparent on their website. All staff must be listed. All board minutes must be listed. All attachments must be listed with the exception of something that can only be handled in an executive session. All monthly financial information shall be listed. With that monthly financial information, you must break down the sub-groups of funding you are receiving.**
- 6) All schools must report to the DOE, on a monthly basis, how many current IEPs and 504 plans they have, as well as any IEP or 504 denials.**
- 7) The DOE shall do a yearly audit of all school districts, public, charter, vocational and alternative alike, not only for already established IEPs and 504 plans, but also denied IEPs and 504 plans. The individuals doing these audits must be highly qualified special education professionals who understand IEPs and 504 plans, as well as all of the disabilities and disorders that these plans accommodate children for. If the DOE determines an IEP or 504 plan was denied for the wrong reasons, the school district must contact the parent(s) within 5 business days and explain to the parent(s) of their procedural rights as well as mail a letter to the parent(s) with the reason for the change as well as a copy of their procedural rights. The Department of Education shall publish the results of these audits within 30 calendar days of their completion**

each fiscal year. These audits shall occur during the regular academic year, not two years ago as dictated by federal compliance.

8) All Delaware parents, custodians, guardians, et al, shall receive, along with their child's teacher and supply list, prior to the start of the next school year, a pamphlet indicating what Child Find is, a full disclosure that any evaluations a parent requests must be done at public expense, what IDEA is, how it works, a listing of every disability covered by IDEA, even those covered in other-health impaired, an IEP timeline, a sample copy of an IEP, what a 504 plan is and how it differentiates from an IEP, a sample copy of a 504 plan, and parents procedural rights, whether a child has a disability or not.

9) Any school district found in violation of three or more individual special education audit failures, shall be put on the newly created Special Education review, which shall have the same weight as any other criteria that would cause a school to go under formal review or needing intervention from the DOE.

10) All school boards, public, charter, vocational and alternative alike, must have a parent of a special needs child as a member of their school board.

11) No charter school may ask on an application if a child has an IEP, has special needs or any questions relating to a disability. If a child is selected to attend a charter school through a lottery or the school accepts an application prior to that, then the charter school can ask that question after a student has been accepted.

12) All charter school lotteries must be a public event, published on the school web site 30 days in advance, with two members of the local school district board members in attendance, and all names from applications must be shown to them before they are placed in a closed area prior to the picking of names.

13) All public, charter, vocational, and alternative schools shall change the number of suspensions that warrants a manifestation determination from 10 to 3. As well, if a child is removed from a classroom setting 5 times for a period of more than 30 minutes, a manifestation determination must kick in as well. For any child with an IEP or a 504 plan, a Functional Behavioral Analysis must be completed as well as a Behavior Intervention Plan or modification of an already existing Behavior Intervention Plan. Ten suspensions is too much missed instructional time and doesn't benefit anyone.

14) All Charter Schools, with the exception of the charter schools that already specialize in IEPs (ex. Gateway, Positive Outcomes), must be counted as one district when it comes to special education. The excuse of low n #s in compliance indicators can no longer be given to individual charter schools when are not counted in an audit or a matter of compliance.

15) The Delaware Department of Education must disclose to parents any release of information to any 3rd party outside of the DOE, under any and all circumstances. For example, the Medicaid Reimbursement Plan. When parents sign off on allowing this at IEP meetings, they don't know how much sensitive and private information is being stored on a 3rd party's computers.